

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE W/S of Cherrydell Road 430' S of e/1 of Frederick Road 130 Cherrydell Road 1st Election District 1st Councilmanic District Douglas D. Cox, et al Petitioners

\* BEFORE THE \* ZONING COMMISSIONER \* OF BALTIMORE COUNTY \* Case No. 90-443-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 1802.3c.1 and Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 17 feet in lieu of the permitted 37.5 feet to construct an open projection, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance and the subject property having been posted and all requests for public hearing having been dismissed, the matter is ready for determination. The Petitioners desire to place a rear yard deck attached to the existing row home located at 130 Cherrydell Road. The rear deck will be an open projection and will only be enclosed on the side attached to the existing dwelling unit.

The Petitioners have filed the supporting affidavits, as required by Section 22-26(b)(1), of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variances would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R., and the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18<sup>th</sup> day of June, 1990 that the Petition for a Zoning Variance, pursuant to Section 1802.3c.1 and Section 301.1 of the B.C.Z.R. to allow a rear yard setback of 17 feet in lieu of the permitted 37.5 feet to construct an open projection, and in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

3. The subject open projection deck shall not be enclosed or covered.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH/wan  
cc: Peoples Counsel

ORDER RECEIVED FOR FILING  
Date 6/18/90  
By Michael

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

90-443-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1802.3c.1 & Section 301.1 To allow a rear yard setback of 17 feet in lieu of 37.5 feet to construct an open projection.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (Indicate hardship or practical difficulty):

SEE ATTACHED AFFIDAVIT.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser(s)

(Type or Print Name)

Signature

Address

CITY/STATE/ZIP CODE

Agency for Petitioner(s)

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s)

DOUGLAS D. COX

(Type or Print Name)

Signature

JANET L. FORRESTER

(Type or Print Name)

Signature

130 CHERRYDELL RD 741-014

Address CATONSVILLE, MD 21228

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 26 day of MARCH, 1990, that the subject matter of this petition be posted on the property on or before the 10 day of APRIL, 1990.

J. Robert Haines

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_ day of \_\_\_, 19\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 109, County Office Building in Towson, Baltimore County, on the \_\_\_ day of \_\_\_, 19\_\_\_, at \_\_\_ o'clock.

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT IN SUPPORT OF ZONING VARIANCE

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I hereby certify that before me, the Subscriber, a Notary Public, in and for the State and County aforesaid, personally appeared, DOUGLAS D. COX and JANET L. FORRESTER, who made oath in due form of law as follows:

1. That each stated they are over the age of twenty-one years, residents of the State of Maryland, and fully capable and competent to testify as to the matters and facts herein.
2. That they have stated they are residents of 130 Cherrydell Road, Baltimore County, Catonsville, Maryland 21228 and further that they jointly own said property.
3. That this Affidavit is for the purpose of obtaining a variance to current zoning restrictions in order to procure a building permit for the construction of a deck in the backyard.
4. Our row home was constructed in 1937 before the existence of current zoning restriction laws; it is located in the Paradise Sub-Division; in this area of Catonsville, backyard decks are common and fully accepted in the community as a reasonable and enjoyable use of ones property.
5. That present restrictions prohibit the building of a backyard deck, of usable size thereby limiting the reasonable use and enjoyment of our property.
6. That the row home was constructed, originally, so that the back exterior wall is forty (40) feet from the backyard property line and of course, the side property lines are marked by common masonry wall inside the structure and a chainlink

fence outside the structure. The property width is nineteen (19) feet. Attached to the back of the house is a wrought iron stairway which extends nearly nine (9) feet into the backyard area and there is a concrete slab under the stairway.

7. Under Zoning Restrictions, a minimum distance of fifty (50) feet from the backyard exterior wall to the property line is required and any open add-on structure such as a deck may extend up to twenty (20%) percent into the area. This means that under our current Zoning Laws a deck may extend only twelve and one-half feet into the open area in the backyard leaving a minimum allowable distance of thirty seven and one-half feet from the edge of the structure to the backyard property line. This Zoning restricts the reasonable use of our property since the stairways already take up approximately nine feet.

8. We are seeking a variance to current Zoning Restrictions that would allow the structure or a construction of an open deck measuring thirteen inches above grade and extending seven feet beyond the wrought iron stairway, or a total of sixteen feet into the backyard area by eighteen feet in width, allowing a six inch margin to the common wall on each side and fenced property lines on each side; attached is a scale drawing of the backyard area with appropriate dimensions of the proposed deck.

9. The proposed deck will be constructed of pressure treated wood and will conform to all building code guidelines.

10. The backyard deck is a first step in backyard beautification project which will include new grass, bushes and other plantings.

SUBSCRIBED AND SWORN this 15<sup>th</sup> day of March, 1990.

Douglas D. Cox (SEAL)  
DOUGLAS D. COX  
Janet L. Forrester (SEAL)  
JANET L. FORRESTER

Terrence Marie Wolfe  
NOTARY PUBLIC  
Commission Expires:

ZONING DESCRIPTION

130 CHERRYDELL ROAD 90-443-A

BEGINNING ON THE WEST SIDE OF CHERRYDELL ROAD AT A POINT 117'-4" SOUTH OF FREDERICK ROAD, THENCE 19' SOUTH AND LEAVING CHERRYDELL ROAD 121' TO CENTERLINE OF AN ALLEY, THENCE 14' NORTH AND THENCE 121' TO POINT OF BEGINNING; ALSO BEING KNOWN AS 130 CHERRYDELL ROAD AS RECORDED IN BALTIMORE COUNTY PLATBOOK #10, FOLIO 110 AND CONTAINING 2299 SQUARE FEET.



**Baltimore County**  
Zoning Commission  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number: 1873

Date: 3/26/90 H9000331

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (1RL)	1 X	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: COX & FORRESTER

B 161\*\*\*\*\*35001: 3278F

Please make checks payable to: Baltimore County

Cashier Validation:

**Baltimore County**  
Zoning Commission  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number: 1876

Date: 3/26/90 M9000598

PUBLIC HEARING FEES	QTY	PRICE
080 - POSTING SIGNS / ADVERTISING 1 X	1 X	\$25.00
TOTAL:		\$25.00

LAST NAME OF OWNER: COX & FORRESTER

B 160\*\*\*\*\*25001: 3278F

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1st Date of Posting: 4-16-90

Posted for: Residential Zoning Variance

Petitioner: Douglas D. Cox, et al

Location of property: 1415 of Cherrydell Road, 417 S. of Fendrick Road (130 Cherrydell Road)

Location of Sign: In front of 130 Cherrydell Road

Remarks: J. Robert Haines

Posted by: J. Robert Haines Date of return: 4-18-90

Number of Signs: 1

**Baltimore County**  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 406  
Towson, Maryland 21204  
(301) 887-3554

April 6, 1990

Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 324, 329, 330, 331, 334, 335, 336, 337, 339, 340, 341, and 342.

Very truly yours,  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSF/lvw

**RECEIVED**  
APR 16 1990  
ZONING OFFICE

**Baltimore County**  
Zoning Commission  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

May 16, 1990

Mr. Douglas D. Cox  
130 Cherrydell Road  
Catonsville, MD 21228

Dennis F. Rasmussen  
County Executive

RE: Item No. 331, Case No. 90-443-A  
Petitioner: Douglas D. Cox, et al  
Petition for Residential Variance

Dear Mr. Cox:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

**Baltimore County**  
Department of Permits & Licenses  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
(301) 887-3610

Ted Zakoski, Jr.  
Director

APRIL 9, 1990

Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: DOUGLAS D. COX  
Location: 130 CHERRYDELL ROAD  
Item No.: 331 Zoning Agenda: APRIL 17, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Three feet clearance between deck and fence or property line shall be provided for access for fire department to rear of building.

REVIEWER: [Signature] Noted and Approved: [Signature]  
Special Inspection Division Fire Prevention Bureau

JK/REK

APR 10 1990

**Baltimore County**  
Zoning Commission  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

June 15, 1990

Mr. Douglas D. Cox  
Ms. Janet L. Forrester  
130 Cherrydell Road  
Baltimore, Maryland 21228

Dennis F. Rasmussen  
County Executive

RE: Petition for Residential Zoning Variance  
Case No. 90-443-A

Dear Mr. Cox and Ms. Forrester:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mmm  
encl.  
cc: Peoples Counsel

**Baltimore County**  
Zoning Commission  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

June 15, 1990

Mr. Douglas D. Cox  
Ms. Janet L. Forrester  
130 Cherrydell Road  
Baltimore, Maryland 21228

Dennis F. Rasmussen  
County Executive

RE: Petition for Residential Zoning Variance  
Case No. 90-443-A

Dear Mr. Cox and Ms. Forrester:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mmm  
encl.  
cc: Peoples Counsel

**BALTIMORE COUNTY, MARYLAND**  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: April 19, 1990

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Douglas D. Cox, Item 331

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PR/JL/cmm

APR 23 1990

**Baltimore County**  
Zoning Commission  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

DATE: \_\_\_\_\_

Mr. Douglas D. Cox  
Ms. Janet Forrester  
130 Cherrydell Road  
Catonsville, MD 21228

Dennis F. Rasmussen  
County Executive

Re:

Case Number: 90-443-A  
Location: 130 Cherrydell Road  
Petitioner(s): Douglas D. Cox, et al

Dear Petitioner(s):

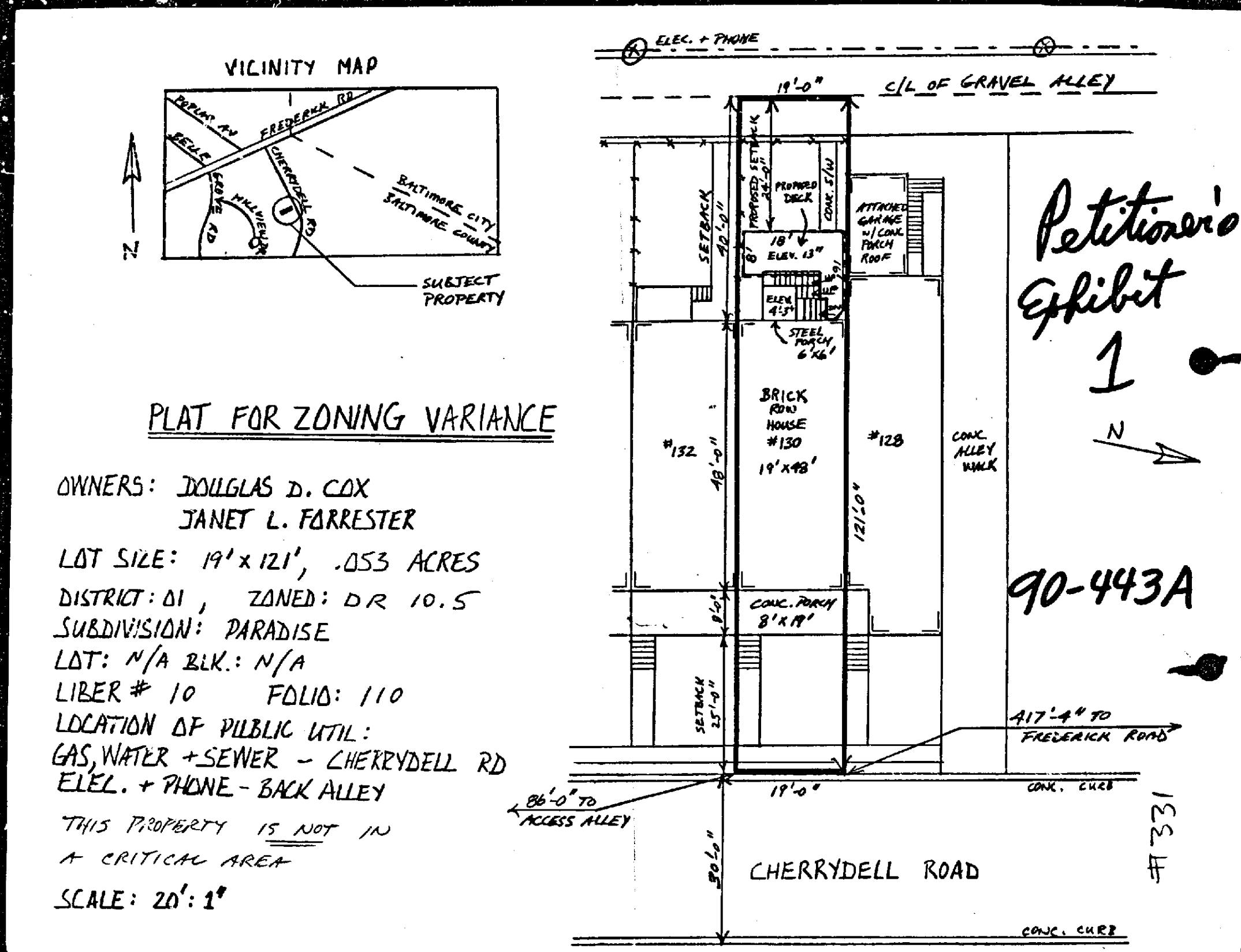
No hearing having been requested by your neighbors or by the Zoning Commissioner, the above matter has completed the Administrative process.

Please bring the sign and post to 111 W. Chesapeake Avenue, Towson, Maryland, Room 113 at your earliest convenience. When you return the sign and post, you will be given a copy of the written Order relative to this case.

Thank you for your cooperation.

Very truly yours,  
[Signature]  
J. Robert Haines  
(301) 887-3391





RECEIVED MAY 25 1990

AFFIDAVIT 90-443-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Petitioner's Exhibit 2

Allen R. Mayers  
AFFIANT (Handwritten Signature)  
ALLEN R. MAYERS  
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by indicating yes or no in the space provided:

1. Can you verify by this affidavit, and/or testify in Court if necessary, that the home located at 130 CHERRYDELL RD., CATONSVILLE, MD has been occupied as a Two (two, three, etc.) apartment dwelling since SEPTEMBER 1952? YES (month) (year) (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since SEPTEMBER 1952? YES TO THE BEST OF MY KNOWLEDGE (month) (year) (answer)

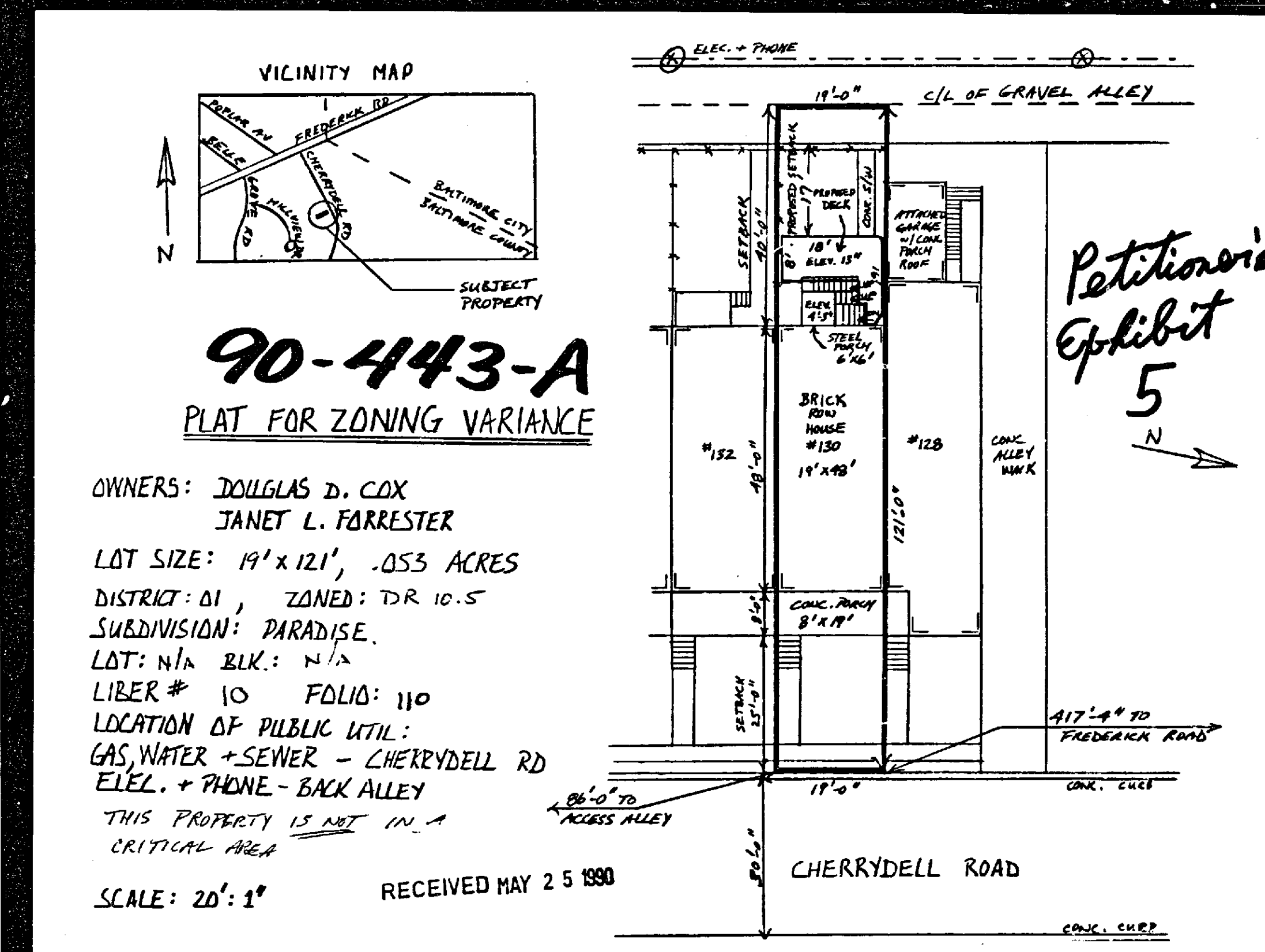
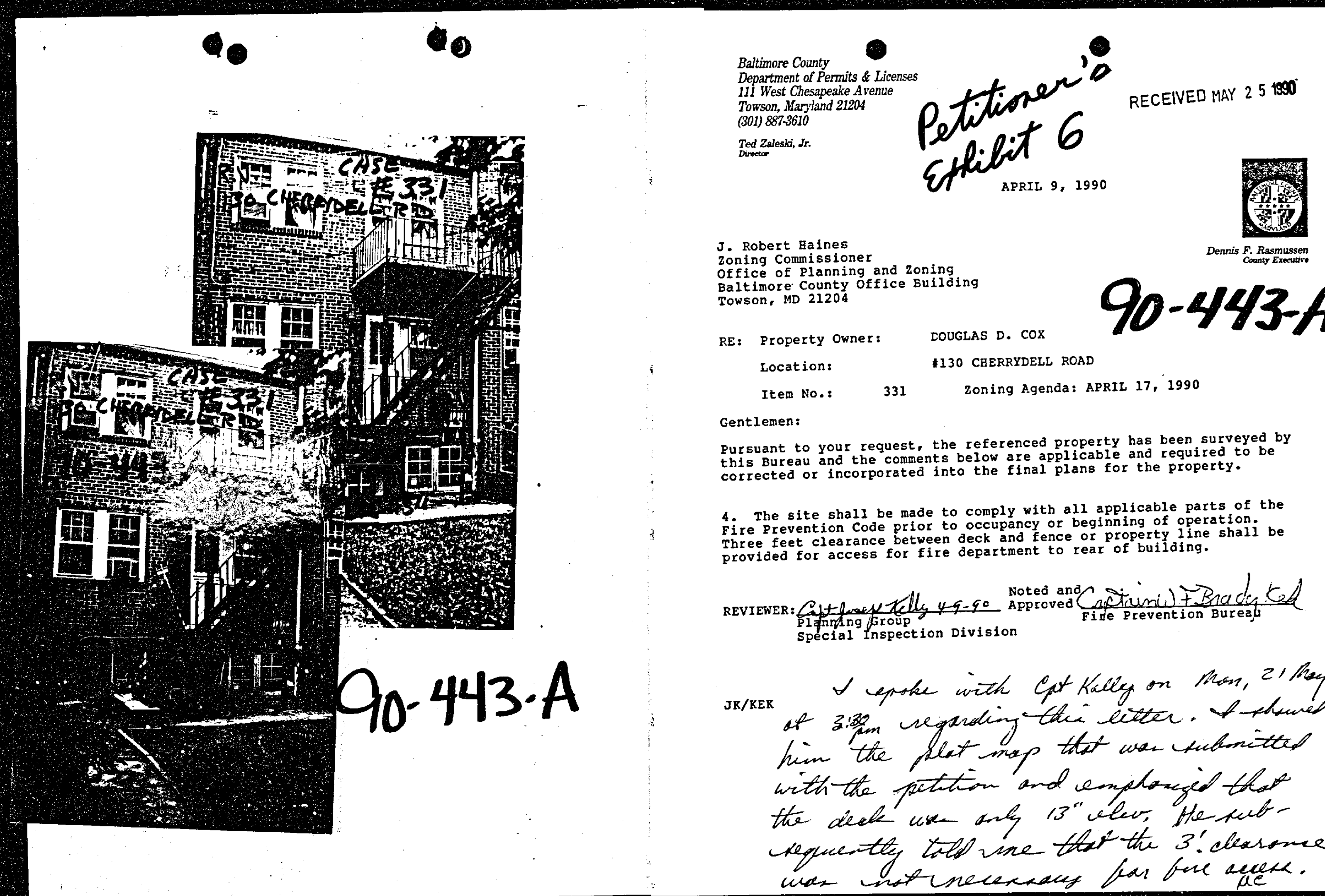
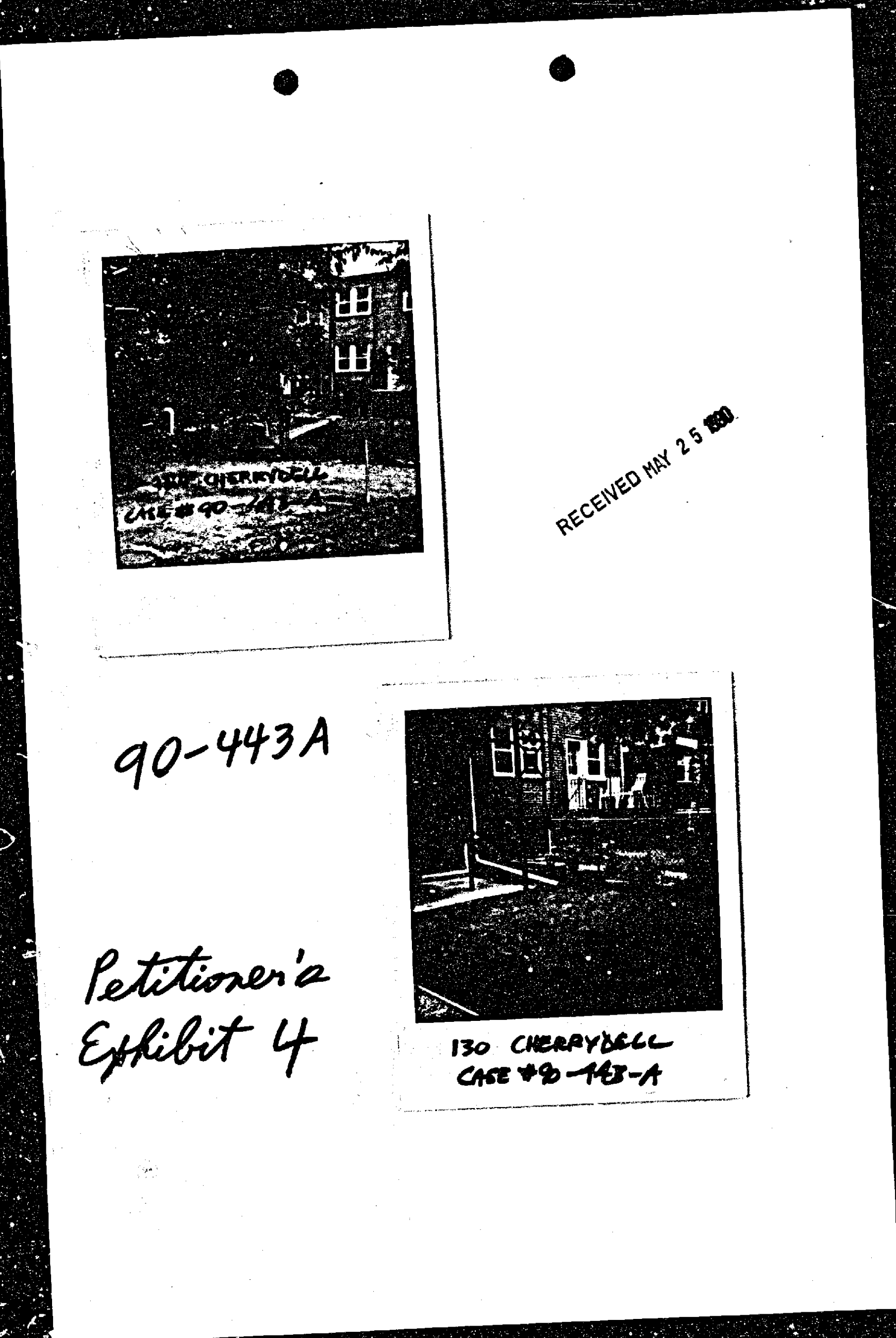
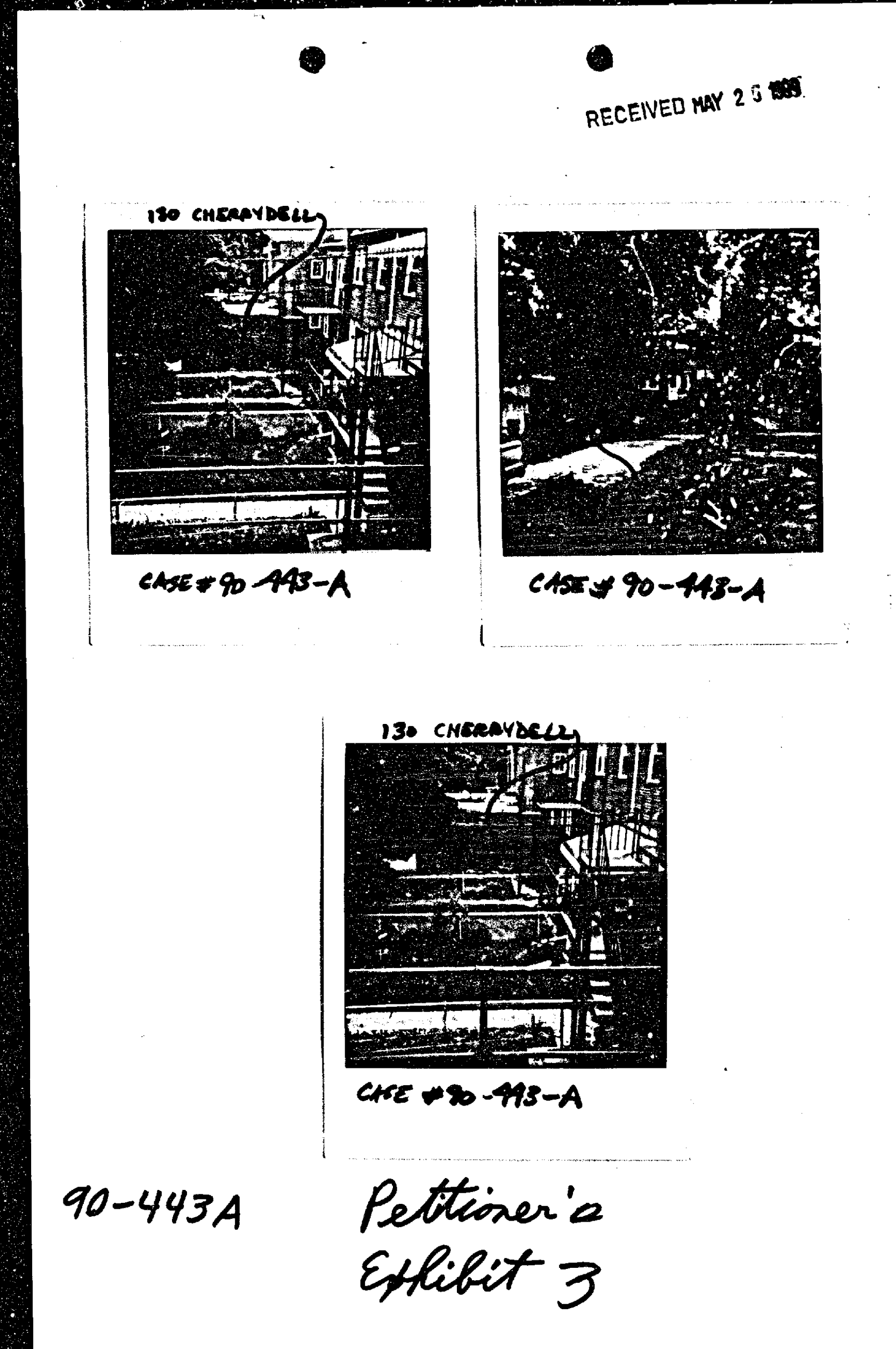
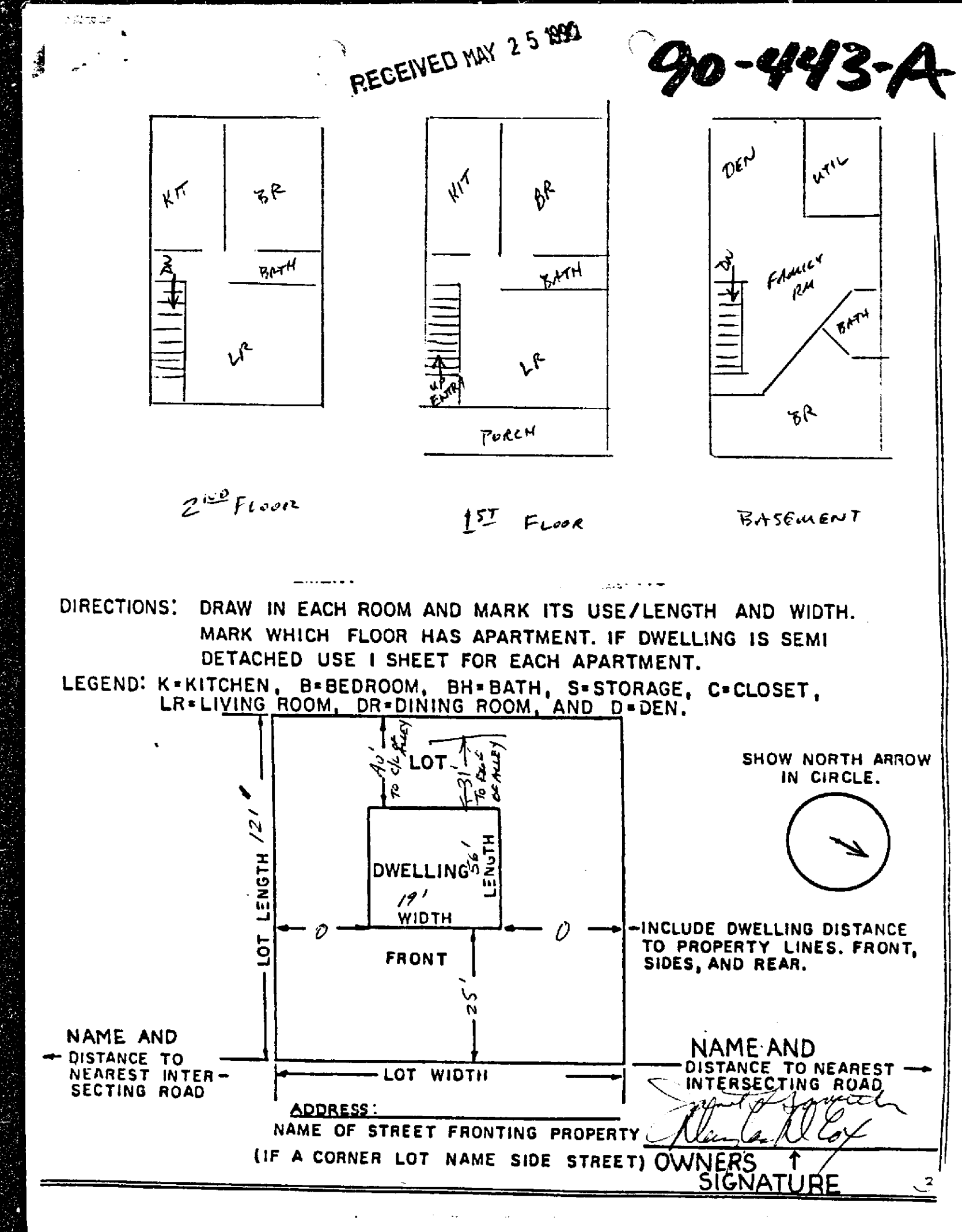
3. Will you realize any gain from the sale of this Property? No (answer)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

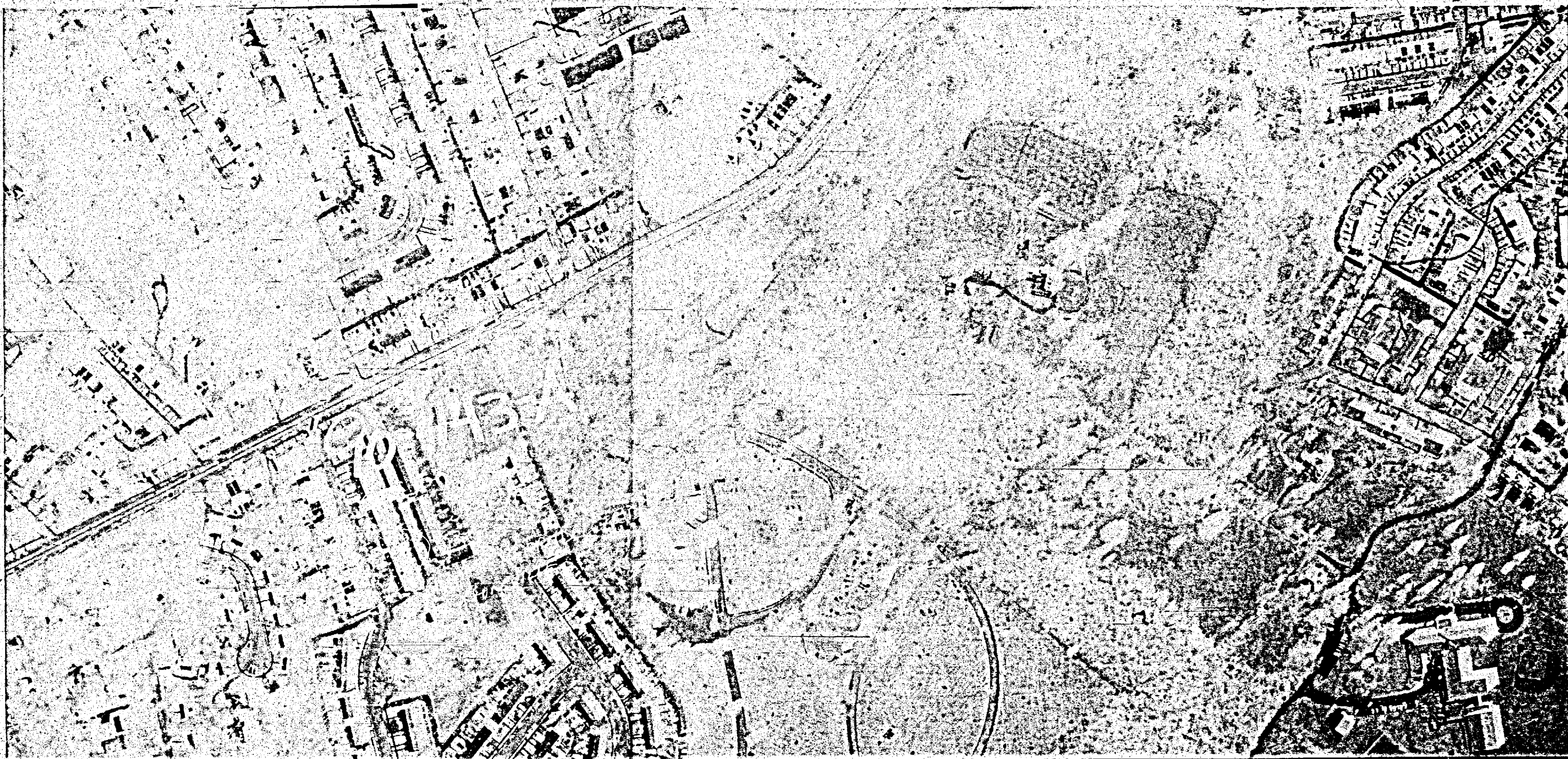
I HEREBY CERTIFY, this 25th day of May, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Allen Mayers, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Veronica Marie Wolfe  
NOTARY PUBLIC  
My Commission Expires: 8/5/93







BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP	SCALE 1" = 200' ±	LOCATION  CATONSVILLE	SHEET  S.W. 2-E
	DATE OF PHOTOGRAPHY JANUARY 1986		

